

UNITED STATES BANKRUPTCY COURT  
Eastern District of California

Honorable W. Richard Lee  
Bankruptcy Judge  
Fresno, California

Wednesday, September 29, 2004

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INSTRUCTIONS FOR PRE-HEARING DISPOSITIONS  
DEPARTMENT B - FRESNO

1. The following rulings are tentative. The matter will be called and the court's final ruling will generally be placed on the record at the end of the calendar. **If no disposition is set forth below, the hearing will take place as scheduled.**

2. Matters resolved without oral argument:

If the moving party has received a response or is aware of any reason, such as a settlement, that a timely opposition may not have been filed, the moving party must contact Marlene Medina, the Calendar Clerk, at (559) 498-7220 by 5:00 p.m. the day before the scheduled hearing.

Moving party shall submit an appropriate form of order. When the debtor's discharge has been entered, proposed orders for relief from stay must reflect that the motion is dismissed as to the debtor and granted only as to the trustee. Entry of discharge normally is indicated on the calendar.

If the parties resolve a matter by stipulation after the tentative ruling has been posted, but **before the formal order is entered on the docket**, the **moving party** may appear at the hearing and advise the court of the settlement or withdraw the motion. Alternatively, the parties may submit a stipulation and order to modify the court's intended ruling together with the proposed stipulation and order resolving the matter.

3. The court will not continue short cause evidentiary hearings scheduled below.

4. If a matter is denied without prejudice for any reason set forth below, the moving party shall file a new motion or objection to claim with a new docket control number. It may not simply re-notice the original motion.

10:00 A.M.

1. [04-17111](#)-B-7 AGUSTIN PEREZ

HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO FILE SUMMARY,  
SCHEDULES A-J, STATEMENT OF  
FINANCIAL AFFAIRS [[6](#)]

FILED 9/22/04

WILLIAM BULLIS/Atty. for dbt.

**The record shows that this document has been filed and/or the required fee has been paid. The OSC shall be dropped from calendar. No appearance is necessary.**

2. [04-17442](#)-A-7 LYDIA MENCHACA

HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO FILE  
A MASTER ADDRESS LIST IN  
COMPLIANCE WITH LOCAL RULE  
1007-1 [[6](#)]

PRO SE

**The court intends to dismiss this case without prejudice. No discharge will be entered. Pursuant to FRBP 1007(a), a complete and accurate creditor list must be filed with the petition. The failure of the debtor(s) to timely file a complete and accurate list of creditors in proper format in compliance with FRBP 1007(a) and this court's Local Rule 1007-1 and the Revised Guidelines for Preparation of Master Address Lists, Revised August 17, 1999, has prevented the court and/or trustee from giving proper notice of, *inter alia*, commencement of this case and the meeting of creditors in compliance with FRBP 2002 & 2003.**

3. [04-17155](#)-A-7 ROBIN MONTGOMERY

HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO FILE SUMMARY,  
SCHEDULES A-J, STATEMENT OF  
FINANCIAL AFFAIRS AND (STATEMENT  
OF INTENTIONS DUE 9/17/04)  
[[19](#)]

PRO SE

**This case will be dismissed. No appearance is necessary.**

4. [04-17444](#)-B-7 LARRY EDWIN SCHALLER

HEARING - ORDER TO SHOW CAUSE  
FOR FAILURE TO FILE SUMMARY,  
SCHEDULES A-J, STATEMENT OF  
AFFAIRS, STATEMENT OF  
INTENTIONS, MASTER ADDRESS  
LIST, ATTORNEY'S DISCLOSURE OF  
COMPENSATION, A (COMPLETE) LIST  
OF CREDITORS [[6](#)]

PETER CABBINESS/Atty. for dbt.

**This case will be dismissed. No appearance is necessary.**

10:30 A.M.

2. [04-15507](#)-B-7 CAIN & CARMEN CHAVEZ HEARING - MOTION FOR RELIEF  
MPD #1 FROM STAY [[11](#)]  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC., VS.

JAMES LEWIN/Atty. for mv.

**The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.**

3. [04-16208](#)-B-7 TRAVIA GARCIA AND HEARING - AMENDED MOTION FOR  
JKD #2 JOANNE ELLISTON-GARCIA REDEMPTION UNDER 11 U.S.C.  
DEBTORS SECTION 722 [[15](#)]

9/24/04 MOTION WITHDRAWN

JAIMEE DORON/Atty. for dbt.

**The matter has been withdrawn, or resolved by stipulation of the parties. No appearance is necessary.**

5. [04-17016](#)-B-7 RICHARD & RENETTA ZWETZIG HEARING - MOTION FOR RELIEF  
EE #1 FROM STAY [[10](#)]  
HOUSEHOLD FINANCE CORPORATION OF  
CALIFORNIA, VS. CASE DISMISSED 9/15/04

MARK ESTLE/Atty. for mv.

**The case having been dismissed, or converted to another chapter, the scheduled hearing shall be dropped from calendar and no appearance is necessary.**

8. [04-15737](#)-B-13 KEVIN & AMERICA CANTU HEARING - MOTION FOR RELIEF  
LJB #1 FROM STAY [[8](#)]  
WELLS FARGO BANK, N.A., VS.

DECLARATION IN OPPOSITION BY  
KEVIN CANTU

9/16/04 CASE CONVERTED TO  
CHAPTER 13

JOHN KLEIN/Atty. for mv.  
RICHARD LIMA/Atty. for dbt.

**The matter will be continued to October 4, 2004, at 1:30 p.m. No appearance is necessary.**

9. [04-15541](#)-B-7 JOSE & ANNALILIA BARRIOS HEARING - MOTION FOR RELIEF

SML #1  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC., VS.

FROM STAY [[19](#)]

STEVEN LAWRENCE/Atty. for mv.

The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

11. [04-16278](#)-B-7 CARLOS & MELANIE GOMEZ HEARING - MOTION FOR RELIEF  
DMG #1 FROM STAY [[7](#)]  
AMERICREDIT FINANCIAL SERVICES,  
INC., VS.

DAVID GOODRICH/Atty. for mv.

The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.

13. [03-15283](#)-B-7 DANIEL & GWENDOLYN COX HEARING - MOTION FOR RELIEF  
SLC #3 FROM STAY [[24](#)]  
HOMEQ SERVICING CORP., VS.

DISCHARGED 9/11/03

STEPHEN CHESNEY/Atty. for mv.

The motion shall be granted without oral argument for cause shown. The court's records indicate that no timely written opposition has been filed. The automatic stay shall be terminated for cause shown as to the Chapter 7 trustee, no timely opposition having been filed. The motion shall be dismissed as to the debtor(s), their discharge having been entered. If the prayer for relief includes a request for an award of attorney fees, that request is denied without prejudice. A motion for attorney fees pursuant to 11 U.S.C. § 506(b), or applicable nonbankruptcy law must be separately noticed and separately briefed with appropriate legal authority and supporting documentation.